

REMARKS

Claims 36-67 are now present in this application.

Claims 36, 54 and 65 have been amended and claims 66 and 67 have been presented. Reconsideration of the application, as amended, is respectfully requested.

Claims 36-65 stand rejected under 35 U.S.C. 112, first paragraph. This rejection is respectfully traversed.

The Examiner has objected to the limitation of a "bearing metal substrate". In order to avoid any confusion, this recitation has now been changed to a "holding metal substrate". On page 1, line 6 of the specification, for example, it is recited that the surface relief in a non-metallic layer is "held" by a metal substrate. Also, on page 3, lines 7-8, the first layer may be held by any kind of substrate and, preferably, the first layer is held by a metal substrate. Another example appears on page 10, line 11, wherein the substrate 1 holding the non-metallic layer 2 is positioned on a support structure 10. It is respectfully submitted that there is support in the original disclosure for this recitation. It is also respectfully submitted that the specification reasonably conveys to one of skill in the art that the inventors possessed the invention at the time of filing. Reconsideration and withdrawal of the 35 U.S.C. 112, first paragraph rejection are therefore respectfully requested.

Claims 36-65 stand rejected under 35 U.S.C. 112, second paragraph. This phrase "bearing metal structure" and the recitation "such as" have been noted by the Examiner. It is respectfully submitted that 35 U.S.C. 112 merely requires that the meets and bounds of the invention be set forth. Therefore, it is respectfully submitted that the prior claims meet this requirement and, at most, an objection should have been issued rather than a rejection. Nonetheless, it is respectfully requested that any objection or rejection now be reconsidered and withdrawn.

Claims 36-37, 39-49, 53-58 and 60-64 stand rejected under 35 U.S.C. 102(e) as being anticipated by CHOQUETTE et al., U.S. Patent 5,861,113. This rejection is respectfully traversed.

Claims 38, 47-52, 59 and 65 stand rejected under 35 U.S.C. 103 as being unpatentable over CHOQUETTE et al. in view of MALLIK et al., U.S. Patent 5,085,514 and further in view of the allegedly admitted prior art. This rejection is respectfully traversed.

Claims 36-37, 39-40, 46, 52-57 and 64-65 stand rejected under 35 U.S.C. 102(e) as being anticipated by SCHAEFER et al., U.S. Patent 6,006,415. This rejection is respectfully traversed.

Claims 38, 47-51 and 59 stand rejected under 35 U.S.C. 103 as being unpatentable over SCHAEFER et al. in view of MALLIK et al. This rejection is respectfully traversed.

Claims 41-42, 45, 58 and 60-63 stand rejected under 35 U.S.C. 103 as being unpatentable over SCHAEFER et al. in view of MALLIK et al. This rejection is respectfully traversed.

Claims 36-65 stand rejected under 35 U.S.C. 103 as being unpatentable over MIEKKA et al., U.S. Patent 4,913,858, in view of FORMOSA, U.S. Patent 4,913,858 and further in view of MALLIK et al. This rejection is respectfully traversed.

The primary patents to CHOQUETTE et al., SCHAEFER et al., and MIEKKA et al. do not provide the method or article as set forth in the present application. The problem underlining the invention may be seen as the problem of providing a less time-consuming and less expensive method for replicating a surface relief in a non-metallic layer. This problem is solved by the features of independent claims 36 and 54 of the present application, for example.

The prior art references mentioned in the office action teach the skilled person either to emboss into a heated or non-cured layer (which is softer than the substrate). For example, into a layer which is not dimensionally stable, and subsequently to cure the layer in order to obtain a permanent relief or to emboss into a metal layer. Embossing into a heated or non-cured layer requires pre-heating of the layer and/or a subsequent curing, and the process does not necessarily provide a permanent replicated relief, but only a permanent relief which is not identical to the replicated one. Furthermore, if the non-metallic layer borne by a

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substrate, the obvious choice for the skilled person would be a soft layer, so as to avoid replication in the underlying substrate. Nothing in the prior art hints at a stable non-metallic layer.

It is respectfully submitted that the method and article of the present application would neither be suggested nor rendered obvious by the prior art utilized by the Examiner. A method of replicating a surface relief in a dimensionally stable, non-metallic layer is not shown. As explained on page 5, lines 10-12 of the specification, for example, the replicated surface relief is essentially permanent over time since it can last over a period of at least twelve months. Thus, the replicated relief maintains its form and shape over time. The first layer will therefore be dimensionally stable, before, during and after the step of pressing. Independent claim 36 brings out the step of pressing being performed when the first layer of the non-metallic material is in its dimensionally stable state.

It is respectfully submitted that the utilized prior art would neither suggest nor render obvious the claims of the instant invention. This is true of the CHOQUETTE et al. and SCHAEFER et al. references, and the MIEKKA et al. reference either alone, or as modified by the other secondary references. Nowhere in the utilized prior art is the method and article of the instant invention either suggested or rendered obvious. Accordingly, it is respectfully requested that the 35 U.S.C. 102(e) and 103 rejections now be

reconsidered and withdrawn. Favorable reconsideration and an early Notice of Allowance are earnestly solicited.

In the event that the Examiner does not consider this application to be in condition for allowance, it is respectfully requested that this Amendment be entered for the purposes of Appeal. This Amendment should at least overcome the 35 U.S.C. 112 rejections and therefore simplify the issues for Appeal. Nonetheless, it should be unnecessary to proceed to Appeal because the instant application should now be in condition for allowance.

The Examiner is invited to contact the undersigned at (703) 205-8000 in the Washington, D.C. area, in the event that there are any outstanding matters remaining in this application.

Attached hereto is a marked-up version of the changes made to the application by this Amendment.

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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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Attachment: Version with Markings to Show Changes Made

(Rev. 09/26/01)

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

The claims have been amended as follows:

36. (Amended) A method of replicating a surface relief, said method comprising the steps of

providing a first layer of a non-metallic material which is held by a [bearing] holding metal substrate, and

pressing into the first layer of non-metallic material an object comprising a surface so as to change surface properties of the first layer of non-metallic material in order to replicate at least one surface relief, said at least one surface relief forming part of the surface of the object; and

wherein the step of pressing is performed when said first layer of non-metallic material is in its dimensionally stable state.

54. (Amended) An article for holding a surface relief, said article comprising:

a [bearing] holding metal substrate, and
a first layer of non-metallic material integrated with said metal substrate, said first layer of non-metallic material holding at least one surface relief, which has been replicated by a method according to claim 36.

65. (Amended) An article according to claim 54, wherein the article is part of a container[, such as a food or beverage container].

Claims 66 and 67 have been added.